

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	x	

**ORDER MODIFYING THE AUTOMATIC STAY AND WAIVING THE
PROVISIONS OF FED. R. BANKR. P. 4001 (a) (3) AS TO FIFTH THIRD
BANK AND FIFTH THIRD MORTGAGE COMPANY**

This matter having come before this Court on the *Motion for Relief from the Automatic Stay and Entry of Order Waiving the Provisions of Fed. R. Bankr. P. 4001(a)(3)* (the “Motion”) filed by Fifth Third Bank, as servicer for Fifth Third Mortgage Company; the City of Detroit, Michigan, by and through its counsel, Miller, Canfield, Paddock & Stone, P.L.C. and Fifth Third Bank, as servicer for Fifth Third Mortgage Company, by and through its counsel, Trott & Trott, P.C.; having stipulated to the following; and the Court being otherwise advised in the premises:

IT IS HEREBY ORDERED that the Automatic Stay under 11 U.S.C. § 362 is modified such that Fifth Third Mortgage Company is allowed to continue with the lawsuit that it filed in the Wayne County Circuit Court against the City of

Detroit in *Fifth Third Mortgage Company v. West Town Homes I, LLC, City of Detroit, and Charter One Bank, N.A.*, Case No. 13-008219, Wayne County Circuit Court, State of Michigan.

IT IS FURTHER ORDERED that if Fifth Third Mortgage Company prevails and quiets the mortgage of the City of Detroit dated October 13, 2006 in the amount of \$1,500,000, the Automatic Stay under 11 U.S.C. § 362 is also modified to allow Fifth Third Mortgage Company to record any such judgment obtained through the law suit with the applicable and appropriate register of deeds, and as is allowed by the Wayne County Circuit Court, State of Michigan.

IT IS FURTHER ORDERED that if Fifth Third Mortgage Company prevails and quiets the mortgage of the City of Detroit dated October 13, 2006 in the amount of \$1,500,000, the Automatic Stay under 11 U.S.C. § 362 is also modified to allow the Movant (and any successor or assign) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and/or obtain possession of the property located at 8445 Saint Mary's St, Detroit, MI 48228.

IT IS FURTHER ORDERED that this Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Bankruptcy Code.

IT IS FURTHER ORDERED that Fed. R. Bankr. P. 4001(a)(3) is waived.

Signed on October 25, 2013

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge